

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7

Application Number

10/715,377

Filing Date

November 19, 2003

First Named Inventor

Norbert L. Wiech

Art Unit

1625

Examiner Name

Attorney Docket Number

15128.0012

ENCLOSURES (Check all that apply)



Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)



Reply to Missing Parts/
Incomplete Application



Reply to Missing Parts
under 37 CFR 1.52 or 1.53



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a
Provisional Application



Power of Attorney, Revocation



Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____

☐ Landscape Table on CD



After Allowance Communication to TC



Appeal Communication to Board
of Appeals and Interferences



Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)



Proprietary Information



Status Letter



Other Enclosure(s) (please identify
below):

Form 1449 (5 pages) with 3 references
Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Step toe & Johnson LLP

Signature

Printed name

Harold H. Fox

Date

January 11, 2005

Reg. No.

41,498

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Date

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



ATTORNEY DOCKET 15128.0012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Norbert L. Wiech et al

Application Serial No.: 10/715,377

Filing Date: November 19, 2003

For: *Treatment of lung cells with histone deacetylase inhibitors*

INFORMATION DISCLOSURE STATEMENT

Customer Window
U.S. Patent & Trademark Office
220 20th St. S.
Crystal Plaza Two, Lobby, Rm 1B03
Arlington, VA 22202

Sir:

As a means of complying with the duty of disclosure under 37 CFR §1.56, and in accordance with 37 CFR §§1.97 and 1.98, Applicants, through the undersigned attorney, submit this Information Disclosure Statement.

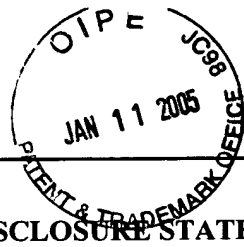
The references listed on attached Form 1449 were prior art of record in parent applications indicated in the Application Data Sheet filed December 30, 2004 included herewith.

In accordance with 37 CFR §1.97(b)(3), this Information Disclosure Statement is being filed before the mailing of a first Office Action on the merits. Accordingly, no fee is required.

Respectfully submitted,

Harold H. Fox
Reg. No. 41,498

STEPTOE & JOHNSON LLP
1330 Connecticut Ave., N.W.
Washington, D.C. 20036
(202) 429-3000
January 11, 2005



FORM 1449 (S&J Version) INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Docket No.: 15128.0012	
	Applicant: Wiech et al.	
	Application No.: 10/715,377	
	Filing Date: November 19, 2003	
	Examiner	Group Art Unit: 1625

U.S. PATENT DOCUMENTS						
Examiner's Initials*	Document No.	Issue Date	Inventor	Class	Subclass	Filing Date If Appropriate
	6,147,224	11-14-2000	Vuligonda et al.			
	6,124,495	09-26-2000	Neiss et al.			
	6,110,970	08-29-2000	Nudelman et al.			
	6,110,955	08-29-2000	Nudelman et al.			
	6,110,697	08-29-2000	Dulski et al.			
	6,083,984	07-04-2000	Brusilow			
	6,071,923	06-06-2000	Nudelman et al.			
	6,068,987	05-30-2000	Dulski et al.			
	6,060,510	05-09-2000	Brusilow			
	6,046,237	04-04-2000	Berge et al.			
	6,043,389	03-28-2000	Nudelman et al.			
	6,037,367	03-14-2000	Christensen, IV et al.			
	6,030,993	02-29-2000	Jew et al.			
	6,004,988	12-21-1999	Amberg et al.			
	6,001,877	12-14-1999	Konno et al.			
	5,998,654	12-07-1999	Boehm et al.			
	5,986,131	11-16-1999	Klaus et al.			
	5,968,979	10-19-1999	Brusilow			
	5,932,606	08-03-1999	Isaacs et al.			
	5,910,606	06-08-1999	Foricher et al.			
	5,910,508	06-08-1999	Thoreau et al.			
	5,908,868	06-01-1999	Buck et al.			
	5,891,737	04-06-1999	Baindur et al.			
	5,883,124	03-16-1999	Samid			
	5,804,601	09-08-1998	Kato et al.			
	5,795,914	08-18-1998	Konno et al.			
	5,753,704	05-19-1998	Lindner et al.			
	5,710,178	01-20-1998	Samid			
	5,705,167	01-06-1998	Bernardon et al.			
	5,696,162	12-09-1997	Chandraratna			
	5,688,819	11-18-1997	Woodward et al.			
	5,677,320	10-14-1997	Chandraratna			
	5,672,746	09-30-1997	Nau et al.			
	5,643,949	07-01-1997	Van. Scott et al.			
	5,607,978	03-04-1997	Woodward et al.			
	5,602,135	02-11-1997	Chandraratna			
	5,547,988	08-20-1996	Yu et al.			
	5,541,155	07-30-1996	Leone-Bay et al.			
	5,525,629	06-11-1996	Criramin et al.			
	5,486,540	01-23-1996	Andrews			

Examiner's Signature		Date Considered	
----------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM 1449 (S&J Version) INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Docket No.: 15128.0012	
	Applicant: Wiech et al.	
	Application No.: 10/715,377	
	Filing Date: November 19, 2003	
	Examiner	Group Art Unit: 1625

U.S. PATENT DOCUMENTS						
Examiner's Initials*	Document No.	Issue Date	Inventor	Class	Subclass	Filing Date If Appropriate
	5,475,022	12-12-1995	Chandraratna			
	5,466,718	11-14-1998	Nakatsu et al.			
	5,420,160	05-30-1995	Gayer et al.			
	5,385,942	01-31-1995	Abe et al.			
	5,369,108	11-29-1994	Breslow et al.			
	5,320,833	06-14-1994	Deckers et al.			
	5,272,180	12-21-1993	Hashimoto et al.			
	5,264,424	11-23-1993	Della Valle et al.			
	5,246,955	09-21-1993	Skibo et al.			
	5,244,922	09-14-1993	Burzynski			
	5,235,068	08-10-1993	Minai et al.			
	5,141,959	08-25-1992	Carroll et al.			
	5,112,846	05-12-1992	Belliotti et al.			
	5,091,569	02-25-1992	Matsumoto et al.			
	5,089,524	02-18-1992	Collins et al.			
	5,084,214	01-28-1992	Kita et al.			
	5,075,330	12-24-199	Belliotti et al.			
	5,064,860	11-12-1991	Mueller et al.			
	5,028,629	07-02-1991	Hite et al.			
	4,985,436	01-15-1991	Pettit			
	4,981,865	01-01-1991	Belliotti et al.			
	4,950,467	08-21-1990	Phalangas et al.			
	4,833,257	05-23-1989	Pettit et al.			
	4,820,828	04-11-1989	Demers et al.			
	4,791,133	12-13-1988	Djuric et al.			
	4,753,934	06-28-1988	Nickl et al.			
	4,731,382	03-15-1988	Zusi et al.			
	4,722,939	02-02-1988	Loev et al.			
	4,709,076	11-24-1987	Bombardelli et al.			
	4,699,920	10-13-1987	Skuballa et al.			
	4,638,011	01-20-1987	Das			
	4,623,661	11-18-1986	Summers, Jr.			
	4,621,099	11-04-1986	Loev et al.			
	4,619,945	10-28-1986	Loev et al.			
	4,608,390	08-26-1986	Summers, Jr.			
	4,607,053	08-19-1986	Karanewsky et al.			
	4,605,669	08-12-1986	Summers, Jr.			
	4,604,407	08-05-1986	Haslanger et al.			

Examiner's Signature		Date Considered	
----------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM 1449 (S&J Version) INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Docket No.: 15128.0012	
	Applicant: Wiech et al.	
	Application No.: 10/715,377	
	Filing Date: November 19, 2003	
	Examiner	Group Art Unit: 1625

U.S. PATENT DOCUMENTS						
Examiner's Initials*	Document No.	Issue Date	Inventor	Class	Subclass	Filing Date If Appropriate
	4,564,476	01-14-1986	Ho			
	4,545,984	10-08-1985	Möller et al.			
	4,534,979	08-13-1985	Loev et al.			
	4,505,930	03-19-1985	Loev et al.			
	4,504,494	03-12-1985	Grollier et al.			
	4,472,430	09-18-1984	Loev et al.			
	4,440,940	04-03-1984	Shepherd			
	4,439,443	03-27-1984	Giroux			
	4,388,459	06-14-1983	Shepherd			
	4,371,614	02-01-1983	Anderson et al.			
	4,355,168	10-19-1982	Chiusoli et al.			
	4,335,054	06-15-1982	Blaser et al.			
	4,309,407	01-05-1982	Lautenschläger et al.			
	4,309,357	01-05-1982	Chiusoli et al.			
	4,288,253	09-08-1981	Venable			
	4,258,057	03-24-1981	Bartmann et al.			
	4,211,783	07-08-1980	Shepherd			
	4,193,931	03-18-1980	Loeliger			
	4,188,338	02-12-1980	Bruins et al.			
	4,171,318	10-16-1979	Chan et al.			
	4,130,653	12-19-1978	Giroux et al.			
	4,127,723	11-28-1978	Yankee			
	4,127,722	11-28-1978	Lafon			
	4,116,975	09-26-1978	Klaus et al.			
	4,113,858	09-12-1978	Hashim			
	4,081,476	03-28-1978	Anderson et al.			
	4,061,656	12-06-1977	Klaus et al.			
	4,048,332	09-13-1977	Adams et al.			
	4,044,149	08-23-1977	Fields et al.			
	4,024,182	05-17-1977	Kathawala			
	4,011,339	03-08-1977	Galantay et al.			
	3,984,440	10-05-1976	Bollag et al.			
	3,978,100	08-31-1976	Fujita et al.			
	3,909,353	9/30/1975	Tsuchida et al.			
	3,886,278	5/27/1975	Gallo			
	3,781,314	12-25-1973	Bollag et al.			
	3,755,604	08-28-1973	Gallo			
	3,687,955	08-29-1972	Cerbati et al.			
	3,674,884	07-04-1972	Moritani et al.			

Examiner's Signature		Date Considered	
----------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM 1449 (S&J Version) INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Docket No.: 15128.0012	
	Applicant: Wiech et al.	
	Application No.: 10/715,377	
	Filing Date: November 19, 2003	
	Examiner	Group Art Unit: 1625

U.S. PATENT DOCUMENTS						
Examiner's Initials*	Document No.	Issue Date	Inventor	Class	Subclass	Filing Date If Appropriate
	3,624,127	11-30-1971	Shaw et al.			
	3,551,574	12-29-1970	Frohberger et al.			
	3,479,396	11-18-1969	Buu-Hoi et al.			
	2,840,586	06-24-1958	Inhoffen			
	2,680,755	06-08-1954	Robeson et al.			
	2003/0195257 A1	10-16-2003	Fanto et al.			
	6,495,719 B2	10-17-2002	Lan-Hargest et al.			

FOREIGN PATENT DOCUMENTS							
Examiner's Initials*	Document No.	Publication Date	Country	Class	Subclass	Translation	
						Yes	No
	EP 0 199 151	10-29-1986	European				
	EP 0 161 939	11-21-1985	European				
	WO 01/18171	03-15-2001	WIPO				
	WO 01/38322	05-31-2001	WIPO				

OTHER DOCUMENTS	
Examiner's Initials*	Include author, title of article, title of item (book, journal, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	Andrews et al., "Anti-malarial effect of histone deacetylation inhibitors and mammalian tumour cytodifferentiating agents," International Journal for Parasitology, 30, pp. 761-768, (2000).
	Collins et al., "Oral Sodium Phenylbutyrate Therapy in Homozygous β Thalassemia: A Clinical Trial," Blood, Vol. 85, No. 1, pp. 43-49 (1995).
	Finnin et al., "Structures of a histone deacetylase homologue bound to the TSA and SAHA inhibitors," Nature, Vol. 401, pp. 188-93 (1999).
	Fruehauf et al., "In Vitro Determination of Drug Response: A Discussion of Clinical Applications," Principles & Practice of Oncology, Vol. 7 No. 12, pp. 1-16, (1993).
	Gore et al., "Modifying histones to tame cancer: clinical development of sodium phenylbutyrate and other histone deacetylase inhibitors", Exp. Opin. Invest. Drugs, 9(12), pp. 2923-2934, (2000).
	Hoffman et al., "A non-isotopic assay for histone deacetylase activity," Nucleic Acids Research, Vol. 27, No. 9, pp. 2057-58 (1999).
	Kemp et al., "Gene redundancy and pharmacological gene therapy: Implications for X-linked adrenoleukodystrophy," Nature Medicine, Vol. 4, No. 11, pp. 1261-68 (1998).
	Kim et al., "Oxamflatin is a novel antitumor compound that inhibits mammalian histone deacetylase," Oncogene, Vol. 18, pp. 2461-70 (1999).
	Marks et al., "Histone Deacetylase Inhibitors: Inducers of Differentiation or Apoptosis of Transformed Cell," Journal of the National Cancer Institute, Vol. 92, No. 15, pp. 1210-16 (2000).
	Remiszewski et al., "Synthesis and in Vitro SAR of Straight Chain Hydroxamate Histone Deacetylase Inhibitors," Proceedings of the AACR, Vol. 42, No. 4976 (Feb. 27, 2001).
	Rubenstein et al., "In Vitro Pharmacologic Restoration of CFTR-mediated Chloride Transport with Sodium 4-Phenylbutyrate in Cystic Fibrosis Epithelial Cells Containing $\Delta F508$ -CFTR," J. Clin. Invest., Vol. 100, No. 10, pp. 2457-2465 (1997).

Examiner's Signature	Date Considered
----------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM 1449 (S&J Version) INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Docket No.: 15128.0012	
	Applicant: Wiech et al.	
	Application No.: 10/715,377	
	Filing Date: November 19, 2003	
	Examiner	Group Art Unit: 1625

OTHER DOCUMENTS	
Examiner's Initials*	Include author, title of article, title of item (book, journal, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
	Sandler et al., "Organic Functional Group Preparations," Academic Press, New York and London, Vol. III, pp. 436-37 (1972).
	Saunders et al., Histone deacetylase inhibitors: novel anticancer agents," Exp. Opin. Invest. Drugs, 8(10), pp. 1611-21 (1999).
	Taunton et al., "A Mammalian Histone Deacetylase Related to the Yeast Transcriptional Regulator Rpd3p," Science, Vol. 272, pp. 408-11 (1996).
	Richon et al. "A class of hybrid polar inducers of transformed cell differentiation inhibits histone deacetylase," Proc. Natl. Acad. Sci. March 1998, Vol. 95, No. 6, pages 3003-3007, entire document.

Examiner's Signature		Date Considered	
----------------------	--	-----------------	--

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.